

JS 44C/SDNY
REV. 7/2012

CIVIL COVER SHEET

14 CV 1109

FEB 21 2014

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

Tortus Capital Master Fund, LP

DEFENDANTS

The Republic of Argentina

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Milberg LLP
One Penn Plaza
New York, NY 10119 - tel. 212-594-5300

ATTORNEYS (IF KNOWN)

Cleary Gottlieb Steen & Hamilton LLP
One Liberty Plaza
New York, NY 10006 - tel. 212-225-2000

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Breach of contract on defaulted bonds issued by Defendant, 28 U.S.C. sec. 1330 (action against foreign state)

Has this or a similar case been previously filed in SDNY at any time? No ☐ Yes ☒ Judge Previously Assigned GriesaIf yes, was this case Vol. ☐ Invol. ☐ Dismissed. No ☒ Yes ☐ If yes, give date _____ & Case No. _____IS THIS AN INTERNATIONAL ARBITRATION CASE? No ☒ Yes ☐

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

TORTS		ACTIONS UNDER STATUTES	
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY
[] 110 INSURANCE	[] 310 AIRPLANE	[] 362 PERSONAL INJURY -	[] 610 AGRICULTURE
[] 120 MARINE	[] 315 AIRPLANE PRODUCT	[] 365 PERSONAL INJURY	[] 620 OTHER FOOD &
[] 130 MILLER ACT	[] 320 LIABILITY	[] 368 ASBESTOS PERSONAL	[] 625 DRUG RELATED
[] 140 NEGOTIABLE	[] 320 ASSAULT, LIBEL &	[] 368 INJURY PRODUCT	[] 625 SEIZURE OF
[] 150 RECOVERY OF	[] 330 SLANDER	[] 368 INJURY PRODUCT	[] 625 PROPERTY
[] 150 OVERPAYMENT &	[] 330 FEDERAL	[] 368 INJURY PRODUCT	[] 625 PROPERTY
[] 150 ENFORCEMENT	[] 330 EMPLOYERS'	[] 368 INJURY PRODUCT	[] 625 PROPERTY
[] 151 OF JUDGMENT	[] 340 LIABILITY	[] 368 INJURY PRODUCT	[] 625 PROPERTY
[] 152 MEDICARE ACT	[] 340 MARINE	[] 368 INJURY PRODUCT	[] 625 PROPERTY
[] 152 RECOVERY OF	[] 345 MARINE PRODUCT	[] 368 INJURY PRODUCT	[] 625 PROPERTY
[] 152 DEFAULTED	[] 345 LIABILITY	[] 368 INJURY PRODUCT	[] 625 PROPERTY
[] 152 STUDENT LOANS	[] 350 MOTOR VEHICLE	[] 368 INJURY PRODUCT	[] 625 PROPERTY
[] 152 (EXCL VETERANS)	[] 355 MOTOR VEHICLE	[] 368 INJURY PRODUCT	[] 625 PROPERTY
[] 153 RECOVERY OF	[] 355 PRODUCT LIABILITY	[] 368 INJURY PRODUCT	[] 625 PROPERTY
[] 153 OVERPAYMENT	[] 360 OTHER PERSONAL	[] 368 INJURY PRODUCT	[] 625 PROPERTY
[] 153 OF VETERAN'S	[] 360 INJURY	[] 368 INJURY PRODUCT	[] 625 PROPERTY
[] 160 BENEFITS		[] 368 INJURY PRODUCT	[] 625 PROPERTY
[] 160 STOCKHOLDERS		[] 368 INJURY PRODUCT	[] 625 PROPERTY
[] 160 SUITS		[] 368 INJURY PRODUCT	[] 625 PROPERTY
[] 160 OTHER		[] 368 INJURY PRODUCT	[] 625 PROPERTY
[] 160 CONTRACT		[] 368 INJURY PRODUCT	[] 625 PROPERTY
[] 160 CONTRACT		[] 368 INJURY PRODUCT	[] 625 PROPERTY
[] 160 PRODUCT		[] 368 INJURY PRODUCT	[] 625 PROPERTY
[] 160 LIABILITY		[] 368 INJURY PRODUCT	[] 625 PROPERTY
[] 196 FRANCHISE		[] 368 INJURY PRODUCT	[] 625 PROPERTY
	ACTIONS UNDER STATUTES		
	CIVIL RIGHTS		
	[] 441 VOTING		
	[] 442 EMPLOYMENT		
	[] 443 HOUSING/		
	[] 443 ACCOMMODATIONS		
	[] 444 WELFARE		
	[] 445 AMERICANS WITH		
	[] 445 DISABILITIES -		
	[] 445 EMPLOYMENT		
	[] 446 AMERICANS WITH		
	[] 446 DISABILITIES - OTHER		
	[] 440 OTHER CIVIL RIGHTS		
	(Non-Prisoner)		
REAL PROPERTY			
[] 210 LAND			
[] 220 CONDEMNATION			
[] 220 FORECLOSURE			
[] 230 RENT LEASE &			
[] 230 EJECTMENT			
[] 240 TORTS TO LAND			
[] 245 TORT PRODUCT			
[] 245 LIABILITY			
[] 290 ALL OTHER			
[] 290 REAL PROPERTY			

Check if demanded in complaint:

CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?
IF SO, STATE:DEMAND \$ _____ OTHER _____ JUDGE Thomas P. Griesa DOCKET NUMBER 10 Civ. 5338

Check YES only if demanded in complaint

JURY DEMAND: ☐ YES ☒ NO

NOTE: Please submit at the time of filing an explanation of why cases are deemed related.

(PLACE AN x IN ONE BOX ONLY)

ORIGIN

- ☒ 1 Original Proceeding
 ☐ 2 Removed from State Court
 ☐ 3 Remanded from Appellate Court
 ☐ 4 Reinstated or Reopened
 ☐ 5 Transferred from (Specify District)
 ☐ 6 Multidistrict Litigation
 ☐ 7 Appeal to District Judge from Magistrate Judge Judgment
- ☐ a. all parties represented
☐ b. At least one party is pro se.

(PLACE AN x IN ONE BOX ONLY)

BASIS OF JURISDICTION

- ☐ 1 U.S. PLAINTIFF
 ☐ 2 U.S. DEFENDANT
 ☒ 3 FEDERAL QUESTION (U.S. NOT A PARTY)
 ☐ 4 DIVERSITY

IF DIVERSITY, INDICATE
CITIZENSHIP BELOW.
(28 USC 1332, 1441)

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

	PTF	DEF		PTF	DEF		PTF	DEF
CITIZEN OF THIS STATE	[]	[]	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	[]	[]	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	[]	[]
CITIZEN OF ANOTHER STATE	[]	[]	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[]	[]	FOREIGN NATION	[]	[]

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Tortus Capital Master Fund, LP
 c/o Tortus Capital Management LLC
 437 Madison Avenue, 33rd Floor
 New York, NY 10022
 New York County

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

The Republic of Argentina
 c/o Banco de la Nacion Argentina - Office of the Vice President
 225 Park Avenue
 New York, NY 10170
 New York County

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN THE RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: ☐ WHITE PLAINS ☒ MANHATTAN
(DO NOT check either box if this a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.)

DATE 2/21/14 SIGNATURE OF ATTORNEY OF RECORD

ADMITTED TO PRACTICE IN THIS DISTRICT

☐ NO
☒ YES (DATE ADMITTED Mo. 02 Yr. 1978)
 Attorney Bar Code # MS-8874

RECEIPT #

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)